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November 28, 2005

**SUBMITTED VIA ELECTRONIC
COMMENT FILING SYSTEM**

The Honorable Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **WC Docket No. 05-196**
Compliance Letter
Digital Agent, LLC

Dear Secretary Dortch:

We represent Digital Agent, LLC ("Digital Agent"). This letter constitutes Digital Agent's report concerning the status of its compliance with the enhanced 911 requirements for interconnected Voice over Internet Protocol ("VoIP") services adopted by the Federal Communications Commission ("Commission") in its First Report and Order, *E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd. 10245 (released June 3, 2005) (the "*VoIP E911 Order*").

Digital Agent is a Georgia-certificated competitive local exchange carrier ("CLEC") that provides local and long distance telecommunications services primarily to multi-line enterprise customers located in the Atlanta LATA using a combination of VoIP and traditional circuit-switched technologies. Digital Agent has no subscribers whose primary service addresses are outside the Atlanta LATA but within the United States.¹

¹ Digital Agent has a *de minimis* number of customers whose primary service addresses are outside the United States. Digital Agent does not interpret the *VoIP E911 Order* to require interconnected VoIP providers to provide E911 service to subscribers who are physically located outside the United States. Should any Digital Agent customer with a primary service address outside the United States register a service location within the United States, Digital Agent will provide 911/E911 service to that customer in the same manner as it would to a U.S.-based customer registered at the same service location.

Digital Agent uses VoIP to provide voice service to most of its customers.² For approximately seventy-three percent (73%) of Digital Agent's VoIP customers, Digital Agent provides the broadband connection over a managed IP network that delivers its customers' VoIP traffic to Digital Agent's soft switch and provides the customers a broadband connection to the Internet. The remaining customers' VoIP traffic utilizes broadband Internet connections obtained by the customers from other providers and travels over the public Internet to Digital Agent's soft switch. In most cases Digital Agent optimizes the latter customers' broadband connections for VoIP traffic before providing them with VoIP service.

Digital Agent markets its VoIP service (and its other telecommunications services) only within those portions of the Atlanta LATA where BellSouth Telecommunications, Inc. ("BellSouth") is the incumbent local exchange carrier ("ILEC"). As a certificated CLEC operating in that territory, Digital Agent has always delivered 911 calls to the selective routers serving the public safety answering points ("PSAPs") that cover the areas where Digital Agent's customers' primary service addresses are located, with full E911 compatibility for the PSAPs that are E911-capable. Digital Agent intends to continue to restrict its marketing to areas within which it can provide fully compliant E911 service to its customers' primary service addresses.³

Although Digital Agent markets its VoIP service as a multi-line, business service intended primarily for use at a single subscriber location, Digital Agent is aware that some of its VoIP subscribers make nomadic use of its service. In order to support its customers' nomadic use of its service, Digital Agent has recently entered into an agreement with Telefinity Corporation d/b/a Telefinity Dash911 ("Telefinity Dash911"), a reseller of Intrado, Inc.'s ("Intrado") E911 network connectivity services. Information concerning Telefinity Dash911's support for 911 and E911 calls placed by Digital Agent's nomadic users is contained in Exhibit A hereto.

Digital Agent has one (1) customer who does not have an assigned telephone number that is associated with the rate center in which the customer's primary service address is located, although its assigned numbers are associated with the local calling area in which it is located. Digital Agent is investigating the most efficient way to provide 911 service to this customer and anticipates handling this customer as an exception in its switch programming but on an interim basis intends to utilize the nomadic solution provided by Telefinity Dash911 to support any 911 calls that may be placed by this customer from its primary service address.

² Digital Agent has a small number of customers to whom it provides voice service using exclusively circuit-switched technology. Digital Agent understands that its 911 service to these customers is outside the scope of this report but notes that Digital Agent provides fully functional 911 or E911 service to these customers in accordance with the capabilities of the PSAPs that serve their fixed locations.

³ Digital Agent has accepted a limited number of VoIP subscribers outside that area on a case-by-case basis and expects to continue to do so. Digital Agent will not, however, accept future U.S.-based customers for its interconnected VoIP service in areas where it is unable to provide 911 or E911 service (in accordance with the capabilities of the relevant PSAP) either directly or through its nomadic 911 service vendor as discussed below.

In Public Notice, *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36, 05-196, DA 05-2945 (rel. November 7, 2005) (“*Compliance Letter Public Notice*”), the Enforcement Bureau referred to procedures described in *ex parte* letters previously submitted by AT&T, MCI and Verizon and encouraged other providers to adopt similar procedures. While there are differences among the procedures adopted by AT&T, MCI and Verizon, all three providers state that they have implemented automated detection mechanisms that “enable[] the provider to identify when a customer *may have moved* his or her interconnected VoIP service to a new location.”⁴ When those providers detect that a subscriber *may have moved* his or her VoIP service, they suspend service to that subscriber until the subscriber either confirms that he or she has not relocated the VoIP service or registers a new service location where the VoIP provider is able to provide 911 service.

It is not technically feasible at this time either for Digital Agent to detect that a customer’s telephone adapter, SIP telephone or personal computer has been disconnected or reset, as AT&T, MCI and Verizon all do, or that the adapter’s, telephone’s or computer’s IP address has changed, as MCI does in some cases, or for it automatically to suspend service in such cases without the risk of creating other service disruptions for that customer and other customers. Although Digital Agent is pursuing discussions with its soft switch vendor concerning the possible implementation of such a capability, Digital Agent does not believe that the approach employed by AT&T, MCI and Verizon is appropriate for Digital Agent’s service, which is provided as a state-tariffed telecommunications service primarily to multi-line customers who use the service primarily from fixed locations.

Digital Agent notes that none of the VoIP providers whose purported solutions are mentioned in the *Compliance Letter Public Notice* claim to be able to detect whether a subscriber actually has relocated VoIP service, but only whether the device through which that service is provided has experienced a change of state that may result from any of a number of causes. As noted by Verizon:

Disconnection from and reconnection to the network do not necessarily mean that a customer has changed his or her Registered Location. A telephone adapter can be disconnected from and reconnected to the system for a variety of reasons – for example power outages, moving the adapter between locations within the customer’s home, rebooting the adapter to clear a trouble, ISP connectivity outages or planned maintenance.⁵

⁴ *Compliance Letter Public Notice* at 4 (emphasis added).

⁵ Letter from Suzanne A Guyer, Senior Vice President, Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36, 05-196 (filed October 21, 2005) (Verizon *Ex Parte*) at 2 n.4.

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AT&T similarly acknowledged that “most [telephone adapter] disconnections are not associated with a customer location move”⁶ and that its “solution” will generate “a number of ‘false positives.’”⁷

Digital Agent is concerned that suspending its customers’ telephone service in response to a potentially high rate of “false positives” is not consistent with the quality of service that its enterprise business customers expect and the Georgia Public Service Commission’s service quality regulations demand. In light of the various possible causes for concluding that a customer “may have” relocated his or her VoIP service, it is not difficult to imagine customers experiencing a suspension of service once every few days or even more often. A Digital Agent subscriber who carried his SIP telephone back and forth between home and office locations would experience at least two service suspensions a day, yet the time required to update the E911 ALI database would mean that the subscriber would not improve the location accuracy of his E911 service by registering each such relocation. Digital Agent further submits that a customer who experiences a high rate of service suspensions – if the customer does not simply discontinue service because of such suspensions – will quickly learn that the easiest way to obtain restored service is to confirm that the telephone adapter, SIP telephone or PC has not been relocated, whether or not that is the case.

Digital Agent also has no plans at this time to suspend service to subscribers who register service locations where Digital Agent is unable to provide 911 or E911 service.⁸ Digital Agent is concerned that such suspensions would make its subscribers less safe, rather than more so, by discouraging them from updating their service locations if they relocate their Digital Agent VoIP service outside Digital Agent’s primary service area. Because a subscriber would be unable readily to determine whether a new service location is within an area where Digital Agent can provide full nomadic support for 911 calls, Digital Agent believes that many customers would forego updating their service locations rather than risk having their service suspended. And if Digital Agent attempted automatically to detect such relocations and suspend service, Digital Agent believes as discussed above that most such customers would falsely state that they had not relocated their service in order to avoid service suspension. While Digital Agent shares the Commission’s commitment to public safety, Digital Agent is not convinced that adopting “solutions” such as those proposed by AT&T, MCI and Verizon would make its enterprise customers safer, especially in light of the broad range of emergency and other safety-related calls that are not 911 calls but that would be delayed or impeded altogether by such service suspensions.

⁶ Letter from Robert W. Quinn, Jr., Vice President, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36, 05-196 (filed October 7, 2005)(AT&T *Ex Parte*) at 2 n.3.

⁷ *Id.* n.5.

⁸ Digital Agent does not interpret the *Compliance Letter Public Notice* to require interconnected VoIP providers to suspend service under such circumstances, but only to explain their decision to do so or not to do so. Should the Commission adopt a clear requirement to suspend all interconnected VoIP service to subscribers who are located in areas where the provider cannot provide E911 service, Digital Agent will of course comply with that requirement, but for the reasons stated in the text Digital Agent urges the Commission not to do so.

Digital Agent is directly connected to all of the Selective Routers in the areas where its U.S.-based customers' primary service addresses are located. As a result, for 911 calls from its U.S.-based customers' primary service addresses, with the exception of one (1) customer as noted above, Digital Agent delivers "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."⁹ Information concerning the Selective Routers to which Digital Agent will be indirectly connected through Telefinity Dash911 is set forth in Exhibit A.

Within its service area, Digital Agent is transmitting via the Wireline E911 Network the 911 caller's ANI to all answering points that are capable of receiving and processing this information. Because Digital Agent delivers 911 calls to the Selective Routers operated by BellSouth and does not deal directly with the PSAPs, Digital Agent has no information concerning the percentage of answering points within its service area that are capable of receiving and processing the ANI that Digital Agent transmits and thus no information concerning the number of Digital Agent subscribers whose ANI and primary service address are being transmitted to answering points that are capable of receiving and processing this information. For its customers' primary service addresses, however, there is no difference whatsoever between the percentage of Digital Agent's customers whose ANI is being transmitted to answering points and the percentage of such customers whose ANI would be transmitted if they were receiving traditional, circuit-switched telephone service at the same location. For Registered Locations other than customers' primary service addresses and for primary service addresses outside the Atlanta LATA, information concerning the PSAPs to which Digital Agent is connected indirectly through Telefinity Dash911 to which Intrado is able to deliver ANI and Registered Location information is set forth in Exhibit A.

Digital Agent markets its VoIP service directly to enterprise customers using its own sales force and obtains each customer's initial Registered Location as part of the sales transaction. Digital Agent has repeatedly advised its existing customers, and advises all new customers at the time that service is initiated, of the need to update their Registered Locations in order to ensure accurate 911 call delivery. Digital Agent has obtained Registered Location information from all of its U.S.-based customers.

Digital Agent offers its customers the following methods of updating their Registered Locations: a web site maintained by Digital Agent, a Digital Agent-branded web site maintained by Telefinity Dash911, a call center operated by Telefinity Dash911, and Digital Agent's customer service line. The latter two methods permit subscribers to update their Registered Locations using only the customer premises equipment that they use to access their interconnected VoIP service.

⁹ *VoIP E911 Order*, ¶ 42 (footnote omitted).

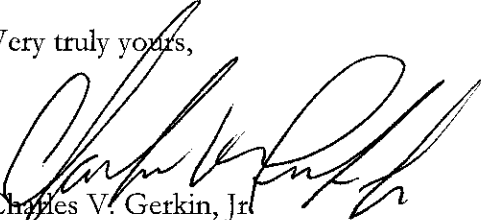
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Information concerning the availability of 911 service to Digital Agent's customers when they use Digital Agent's service nomadically outside Digital Agent's service area is set forth in Exhibit A.

Please direct any inquiries concerning the foregoing to the undersigned.

Very truly yours,



Charles V. Gerkin, Jr.
Attorney for Digital Agent, LLC

CVG/nb

cc (VIA e-mail):

Mr. Jason K. Rice
Mr. Byron McCoy
Ms. Kathy Berthot
Ms. Janice Miles
Best Copy and Printing, Inc.

EXHIBIT A
to
DIGITAL AGENT, LLC'S COMPLIANCE LETTER
WC Docket No. 05-196

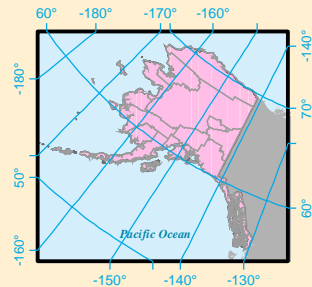
This Exhibit provides information concerning the 911/E911 service provided by Telefinity Dash911 to Digital Agent subscribers who may use their Digital Agent VoIP service nomadically from Registered Locations other than their primary service addresses and to any customers that Digital Agent accepts whose primary service addresses are outside the Atlanta LATA. The information herein was provided by Telefinity Dash911 and is believed to be accurate, but Digital Agent makes no representations or warranties concerning the accuracy of the information contained in this Exhibit or Attachment 1.

Through Telefinity Dash911, Digital Agent will obtain a full end-to-end 911/E911 call delivery service provided by Intrado, including Master Street Address Guide ("MSAG") validation, ESQK management, geocoding, real-time provisioning, routing determination and call delivery to the appropriate Selective Router. If a Digital Agent nomadic subscriber dials 911, Digital Agent will route the call over the public switched network to Telefinity Dash911, which will hand it off to Intrado for delivery to the appropriate Selective Router and PSAP via the 911 infrastructure. Through the Telefinity Dash911 interface to Intrado's Registered Location database, updates to Registered Locations will be processed within an average of fifteen minutes. Calls that fail MSAG validation such that the proper PSAP cannot be determined will be delivered to an Emergency Call Processing Center operated by Intrado.

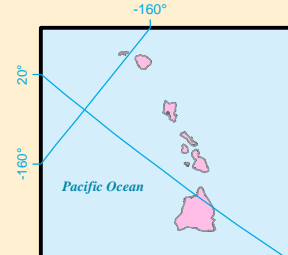
As of the date of Digital Agent's Compliance Letter, this service is not yet operational. Based upon the information provided by Telefinity Dash911, Digital Agent expects to be able to begin delivering live subscriber 911 calls to Telefinity Dash911 during the week of December 5, 2005. Telefinity Dash911 has advised Digital Agent that it will be indirectly connected to 154 E911 Selective Routers at the time of service activation, including those serving all of Digital Agent's U.S.-based customers' primary service addresses. The map attached as Attachment 1 depicts Intrado's schedule for the availability of its 911/E911 service in different areas of the United States.

Attachment 1

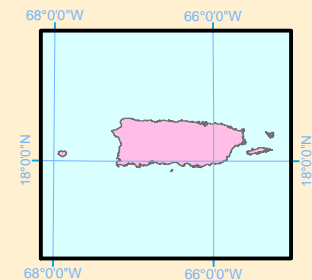
Alaska



Hawaii

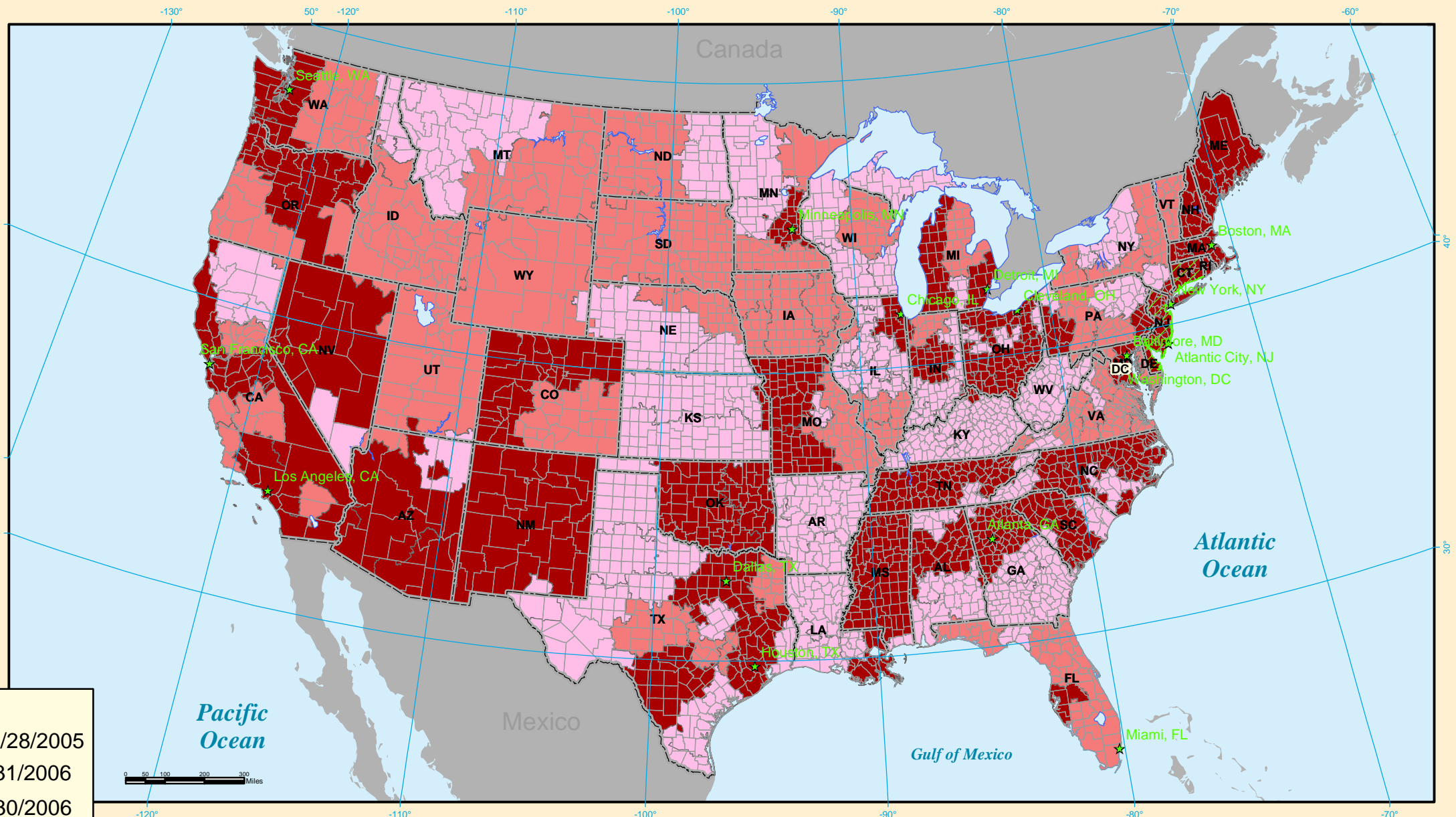


Puerto Rico



Legend

- Planned for 11/28/2005
- Planned for 3/31/2006
- Planned for 6/30/2006
- County Boundary
- ★ or
 Top 20 MSAs
- Lakes



Intrado Major Market Rollout Schedule

Albers Projection
Central Meridian: -96
1st Std Parallel: 20
2nd Std Parallel: 40
Latitude of Origin: 40

Intrado™
Informed Response.™

Intrado
WOS GIS Operations Team
Date: November 2005
Data Source: Meridian, Geode, IPS, ESRI Data
Created in ArcGIS 8 using ArcMap